

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

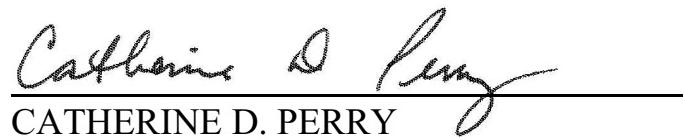
NADIST, LLC, )  
                  )  
Plaintiff,     )  
                  )  
vs.              )     Case No. 4:06CV969 CDP  
                  )  
THE DOE RUN RESOURCES )  
CORP., et al.,    )  
                  )  
Defendants.     )

**MEMORANDUM AND ORDER**

This matter is before me on the Doe Run defendants' motion for leave to file a first amended answer and counterclaim against Nadist. Nadist opposes the motion on the grounds that it is untimely under the case management order and that the procedural history (namely, that I allowed Nadist to amend its complaint after the deadline) and status of discovery do not justify granting Doe Run's motion to amend. I disagree. Given the complexity of this case, the status of discovery, the procedural history, and the fact that Nadist has demonstrated no resulting prejudice if leave to amend were granted, I will exercise my discretion and grant Doe Run's motion for leave to file an amended answer and counterclaim.

Accordingly,

**IT IS HEREBY ORDERED** that defendants' motion for leave to file a first amended answer and counterclaim [#104] is granted, and defendants' first amended answer and counterclaim are deemed filed as of this date.



CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 19th day of May, 2008.